

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BARRY TILLOTSON**  
Claimant

**HY VEE INC**  
Employer

**APPEAL 21A-UI-16461-ED-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/06/20**  
**Claimant: Appellant (1)**

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Iowa Admin. Code r. 871-26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

An appeal was filed from the representative's decision dated February 2, 2021 (reference 01) that claimant was overpaid benefits. A hearing was scheduled for October 5, 2021. Prior to the hearing being held, the appellant requested the appeal be withdrawn.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds that:

A request has been made by the appealing party to withdraw the appeal. The request has been submitted in orally and on the record to the Appeals Bureau on October 5, 2021. The claimant updated his mailing address on the record on October 5, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the request to withdraw the appeal is granted.

Iowa Admin. Code r. 871-26.8(1) provides:

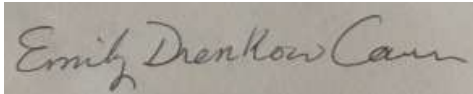
- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of an administrative law judge or the manager or chief administrative law judge of the appeals bureau. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

The appellant has made a request in writing to withdraw the appeal. The administrative law judge has reviewed the record and concludes that the request of the appealing party to withdraw the appeal should be approved.

**DECISION:**

The decision of the representative dated February 2, 2021 (reference 01) shall stand and remain in full force and effect. The request of the appealing party to withdraw the appeal is approved and the hearing scheduled for October 5, 2021 is cancelled.



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Emily Drenkow Carr  
Administrative Law Judge

October 6, 2021  
Decision Dated and Mailed

ed/kmj